

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

PRISONERS LEGAL ADVOCACY	)	
NETWORK,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 23-1397-MN
	)	
THE HONORABLE JOHN CARNEY, in his	)	
official capacity as Governor of the State of	)	
Delaware, THE HONORABLE ANTHONY	)	
J. ALBENCE, in his official capacity as State	)	
Election Commissioner of the Delaware	)	
Department of Elections, and, THE	)	
HONORABLE TERRA TAYLOR, in her	)	
official capacity as Acting Commissioner of	)	
the Delaware Department of Correction,	)	
	)	
Defendants.	)	

**DECLARATION OF EMILY S. DIBENEDETTO IN SUPPORT OF  
PLAINTIFF’S MOTION FOR EARLY PRELIMINARY INJUNCTION HEARING  
DATE, PRELIMINARY INJUNCTION, AND TEMPORARY RESTRAINING ORDER**

I, Emily S. DiBenedetto, declare as follows:

1. I am an associate at the law firm of Shaw Keller LLP, counsel for Prisoners Legal Advocacy Network (“PLAN” or “Plaintiff”). I am admitted to practice before this Court. I submit this declaration in support of Plaintiff’s Motion for Early Preliminary Injunction Hearing Date, Preliminary Injunction, and Temporary Restraining Order.
2. Attached hereto as Exhibit 1 is a true and accurate copy of a Letter from Anthony Albence, State Election Commissioner, Delaware Department of Elections, to Dwayne J. Bensing, Legal Director, ACLU of Delaware (Sept. 20, 2022) (“September 2022 DDOE Letter”).

3. Attached hereto as Exhibit 2 is a true and accurate copy of a Letter from Terra Taylor, Acting Commissioner, Delaware Department of Correction, to ACLU of Delaware (Oct. 26, 2023) (“October 2023 DDOC Letter”).
4. Attached hereto as Exhibit 3 is a true and accurate copy of a Letter from Anthony Albence, State Election Commissioner, Delaware Department of Elections, to Andrew Bernstein, ACLU of Delaware (Oct. 27, 2023) (“October 2023 DDOE Letter”).
5. Attached hereto as Exhibit 4 is a true and accurate copy of a Letter from Patricia A. Davis, State Solicitor, Delaware Department of Justice, to Dwayne J. Bensing, Legal Director, ACLU of Delaware (Nov. 2, 2022) (“November 2022 DDOJ Letter”).
6. Attached hereto as Exhibit 5 is a true and accurate copy of a Letter from Dwayne J. Bensing, Legal Director, ACLU of Delaware, to Kathy Jennings, Attorney General of Delaware (Oct. 14, 2022).
7. Attached hereto as Exhibit 6 is a true and accurate copy of a Letter from Andrew Bernstein, Cozen Voting Rights Fellow, ACLU of Delaware, to John Carney, Governor, State of Delaware; Anthony Albence, State Election Commissioner, Delaware Department of Elections; and Terra Taylor, Acting Commissioner, Delaware Department of Correction (Oct. 4, 2023).
8. Attached hereto as Exhibit 7 is a true and accurate copy of a Letter from Dwayne J. Bensing, Legal Director, ACLU of Delaware, to Anthony Albence, State Election Commissioner, Delaware Department of Elections (Sept. 16, 2022).
9. Attached hereto as Exhibit 8 is a true and accurate copy of a publication by Naila Awan, *Jail-based polling locations: A way to fight voter disenfranchisement*, PRISON POLICY INITIATIVE (Oct. 25, 2022).

10. Attached hereto as Exhibit 9 is a true and accurate copy of *Delaware Department of Correction, Annual Report [2022]*, PLANNING, RESEARCH, AND REENTRY OFFICE IN THE OFFICE OF THE COMMISSIONER, (Jun. 30, 2022).
11. Attached hereto as Exhibit 10 is a true and accurate copy of DOC FOIA Response (Oct. 12, 2023).
12. Attached hereto as Exhibit 11 is a true and accurate copy of *Bail & Bail Bonds*, DELAWARE COURTS, (<https://courts.delaware.gov/help/bail/>).
13. Attached hereto as Exhibit 12 is a true and accurate copy of *Pretrial Modernization Review: Per Senate Substitute 1 for Senate Bill 7: Focus on SB 7 Bail Reform*, STATISTICAL ANALYSIS CENTER, (Jan. 2023).
14. Attached hereto as Exhibit 13 is a true and accurate copy of a publication by Wendy Sawyer, *How race impacts who is detained pretrial*, PRISON POLICY INITIATIVE (Oct. 9, 2019).
15. Attached hereto as Exhibit 14 is a true and accurate copy of *QuickFacts: Delaware*, U.S. CENSUS BUREAU. (July 1, 2022).
16. Attached hereto as Exhibit 15 is a true and accurate copy of *2024 State of Delaware Election Calendar*, DELAWARE DEPARTMENT OF ELECTIONS: OFFICE OF THE STATE ELECTION COMMISSIONER, (Oct. 31, 2023).
17. Attached hereto as Exhibit 16 is a true and accurate copy of *10 Reasons Courts Should Toss Florida's Flimsy 'Voter Fraud' Prosecutions*, BRENNAN CENTER FOR JUSTICE (updated May 12, 2023).

18. Attached hereto as Exhibit 17 is a true and accurate copy of a publication by Christopher Uggen, *Locked Out 2022: Estimates of People Denied Voting Rights Due to a Felony Conviction*, THE SENTENCING PROJECT, (Oct. 25, 2022).
19. Attached hereto as Exhibit 18 is a true and accurate copy of a publication by Jack Healy, *Arrested, Jailed and Charged With a Felony. For Voting.*, N.Y. TIMES, (Aug. 2, 2018).
20. Attached hereto as Exhibit 19 is a true and accurate copy of a publication by Melissa Turtinen, *5 Minnesotans charged, accused of of [sic] voter fraud*, BRING ME THE NEWSM (Dec. 30, 2021).
21. Attached hereto as Exhibit 20 is a true and accurate copy of a publication by Brad Raffensperger, *State Election Board Refers Voter Fraud Cases for Prosecution*, GEORGIA SECRETARY OF STATE, (Sept. 11, 2020).
22. Attached hereto as Exhibit 21 is a true and accurate copy of *Florida elections officials grapple with misinformation, myths*, CBS News Miami (Oct. 25, 2022).
23. Attached hereto as Exhibit 22 is a true and accurate copy of an article by Jessica Masulli Reyes, *Will Delaware end cash bail*, DELAWARE ONLINE, (Nov. 6, 2015).
24. Attached hereto as Exhibit 23 is a true and accurate copy of Scott Goss, *Delaware's first new voting machines in decades are on their way*, DELAWARE ONLINE, (Sept. 17, 2018).
25. Attached hereto as Exhibit 24 is a true and accurate copy of a publication by Kristen M. Budd & Niki Monazzam, *Increasing Public Safety by Restoring Voting Rights*, THE SENTENCING PROJECT, (Apr. 2023).

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on December 15, 2023.

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 15, 2023, this document was served on the persons listed below in the manner indicated:

**BY HAND DELIVERY**

The Honorable Anthony J. Albence  
State of Delaware - Department of Elections  
905 S. Governors Avenue, Suite 170  
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The Honorable Terra Taylor  
Delaware Department of Correction  
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245 McKee Road  
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The Honorable John Carney  
Governor Executive Office  
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